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DEBORAH T. PORITZ
ATTORNEY GENERAL OF NEW JERSEY

FILED

By: Marianne W. Greenwald
Deputy Attorney General
Division of Law 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07101
Tel. (201) 648-4738

APR 14 1994

BOARD OF PHARMACY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION	:	Administrative Action
OR REVOCATION OF THE LICENSE OF	:	
	:	
DEXTER BURTON, R.P.	:	CONSENT ORDER
	:	
TO PRACTICE PHARMACY IN THE	:	
STATE OF NEW JERSEY	:	
<u># RT 16734</u>	:	

This matter was opened to the State Board of Pharmacy by Deborah T. Poritz, Attorney General of New Jersey, Marianne W. Greenwald, Deputy Attorney General appearing, upon the receipt of information that Dexter Burton had possession of marijuana while present in a public restroom at Elizabeth General Medical Center on or about December 17, 1993 during his vacation period. On December 22, 1993 respondent resigned from his staff pharmacist position at Elizabeth General.

Respondent, admitting to the above described conduct, and it appearing that respondent is participating in a treatment program and attends support group meetings, and respondent having satisfied the Board of his intention to continue in his present

treatment program, and it further appearing that respondent wishes to resolve this matter without the necessity of further formal proceedings, and for good cause shown,

IT IS THEREFORE, ON THIS 13th DAY OF April 1994,
ORDERED:

1. The license of Dexter Burton, R.P. to practice pharmacy in the State of New Jersey is hereby suspended for two (2) years with credit for the time suspended since December 22, 1993 when he voluntarily refrained from the practice of pharmacy. Three months of said suspension shall be active; one year and nine months of said suspension shall be stayed.

2. Respondent shall be on probation for the duration of the stayed suspension commencing March 22, 1994, subject to compliance with paragraphs 3 through 15 herein. If respondent violates any of the provisions of paragraphs 3 through 15 herein, the Board may initiate proceedings to revoke his license to practice pharmacy.

3. Respondent shall not be a pharmacist-in-charge during the entire period of probation.

4. Respondent hereby consents to the entry of an Order of Automatic Suspension of his license without notice upon the Board's receipt of any reliable information such as, but not limited to, a report of a confirmed positive urine or information from any out-patient program or counselor which reveals evidence of substance abuse during the probationary period.

5. Respondent shall have the right to apply for

removal of the automatic suspension on two (2) days notice but in such event shall be limited to a showing that urine tested was not his or was a false positive, in the case of urine testing, or that other information submitted was false.

6. Respondent shall have his urine monitored at his own expense on a random, unannounced basis. Testing shall be performed one time per week throughout the first year of the stayed suspension period and two times per month for the remaining nine months of the suspension. The urine specimens shall be performed with direct witnessing by a Board approved monitor. The initial drug screen will utilize the EMIT technique and all confirming tests and/or secondary tests will be performed by gas chromatographing/mass spectrometry (GC/MS). The testing procedure shall include a forensic chain of custody protocol to ensure sample integrity and to provide documentation thereof.

7. The result of all tests shall be reported directly by the testing laboratory on a monthly basis to H. Lee Gladstein, Executive Director of the Board or his successor, or his designee in the event he is unavailable. The Board may at anytime alter or modify the manner of the testing directed herein. In the event of any such alteration or modification the Board shall give timely notice of any new testing requirement to the respondent.

8. In the event respondent is unable to appear for a scheduled urine test due to illness or other impossibility, consent to waive that day's test must be secured from the Board office. The lab or monitor will not be authorized to provide

consent. In addition, respondent must provide the Board with any written substantiation which may be obtained for his inability to appear, e.g. physician's report.

9. Any failure to appear for a urine test for which consent is not secured from the Board, and for which no written substantiation is furnished satisfactory to the Board within two (2) days of such failure to appear shall be grounds for activation of the suspension upon short notice.

10. Respondent shall submit quarterly documentation that he attends support group meetings at least three times per week for the duration of the probationary period.

11. Respondent shall give written notice to the Board prior to beginning or changing any employment.

12. In connection with any employment in which Mr. Alexander has access to controlled dangerous substances, he shall disclose his prior drug use to his employer and serve a copy of the within Order on his employer. Respondent shall cause the Board to receive a letter acknowledging the employer's receipt of the notice required by this paragraph.

13. Respondent shall not use or possess any controlled dangerous substances, except for bona fide medical purposes as deemed necessary by a physician or other authorized prescriber during the entire period of probation. In such event, respondent shall serve notice to the Board in writing. Respondent shall advise any and all treating physicians of his history of drug abuse.

14. Respondent shall authorize the testing laboratory to forward his urine test results to the Board, and to immediately notify the Board in the event of a positive urine specimen.

15. During the probation period, the Board may require the appearance of respondent at a meeting for a status conference at any time with reasonable prior notice to respondent.

STATE BOARD OF PHARMACY

By: Edith Tortora Micale R.P.
Edith Tortora Micale, R.P., President

I have read the above Order
and I understand its terms.
I agree to be bound by the
terms of the above Order.
I consent to the entry of this
Order by the State Board of
Pharmacy.

Dexter W. C. Burton
Dexter Burton, R.P., Respondent